

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

WALTER G. LENARD, #42639

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:06cv176DCB-MTP

STATE OF MISSISSIPPI, MDOC,
YAZOO COUNTY, J. WINDSTAT,
WILLIAM MARTIN, STEVEN WALDRUP,
MIKE SMITH, AND NOREENE GIRRARD

DEFENDANTS

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. As reflected in the Opinion and Order of the court issued this day, the Plaintiff's claims against Defendants State of Mississippi, MDOC, Yazoo County, J. Windstat, William Martin, Steven Waldrup, and Noreene Girrard are not cognizable under 42 U.S.C. § 1983. Consequently, it is hereby,

ORDERED AND ADJUDGED that this cause be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), with prejudice, for failure to state a claim upon which relief may be granted as to the *Heck* issues and with prejudice for lack of jurisdiction as to the claims relating to the state court sentencing order.

Since this case is dismissed in accordance with the above mentioned provision of the Prison Litigation Reform Act, it will be counted as a "strike" pursuant to 28 U.S.C. § 1915(g). SO ORDERED AND ADJUDGED, this the 25th day of September, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE